

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., an Oregon corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity,

Plaintiffs,

v.

FOREVER 21 INC., a Delaware corporation, et al.,

Defendants.

No. 3:17-cv-00377-YY

PERMANENT INJUNCTION AGAINST DEFENDANT M DESIGN & MANUFACTURING INC. D/B/A CASTING LA, ON CONSENT

MOSMAN, J.,

Having considered the Second Amended Complaint on file in this action, and Defendant M Design & Manufacturing Inc. d/b/a Casting LA (“M Design”) having consented to the terms of the permanent injunction set forth below, this Court hereby finds as follows:

1. Plaintiffs adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, “adidas” or “Plaintiffs”) own and use the Three-Stripe trademark (the “Three-Stripe Mark”), which is covered by numerous valid U.S. Trademark Registrations, including Registration Nos. 870,136, 961,353, 1,815,956, 1,833,868, 2,016,963, 2,058,619, 2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,063,742, 3,063,745, 3,087,329, 3,183,656, 3,183,663, 3,236,505, 3,842,177, 3,846,203 and 4,910,643.

1- **PERMANENT INJUNCTION AGAINST DEFENDANT M DESIGN & MANUFACTURING INC. D/B/A CASTING LA, ON CONSENT**

2. On October 13, 2017, adidas filed its Second Amended Complaint in this action, claiming, *inter alia*, that M Design was designing, sourcing, manufacturing, distributing, marketing, promoting, offering for sale, and/or selling the apparel depicted below, which M Design acknowledges bears a confusingly similar imitation of adidas's federally registered Three-Stripe Mark (the "Infringing Apparel"):



3. M Design accepted service of the Summons and Second Amended Complaint on November 22, 2017, but has not yet filed an Answer or any other pleading in response to the Second Amended Complaint.

4. The Court has jurisdiction over the subject matter of this action and over M Design, and venue in this action is proper in this judicial district.

Accordingly, **IT IS HEREBY ORDERED** that:

1. M Design and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from

2- PERMANENT INJUNCTION AGAINST DEFENDANT
M DESIGN & MANUFACTURING INC. D/B/A CASTING
LA, ON CONSENT

M Design, or in concert or participation with M Design, and each of them, are

PERMANENTLY ENJOINED and RESTRAINED, from:

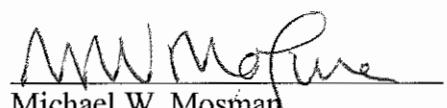
- a. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling the Infringing Apparel; and
- b. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling any other apparel bearing the Three-Stripe Mark or any other confusingly similar imitation of adidas's Three-Stripe Mark, including, without limitation, any apparel with one additional stripe (i.e., four stripes) or less one of the three stripes (i.e., two stripes).

2. This Court shall have continuing jurisdiction to enforce the provisions of the permanent injunction entered herein.

3. The Clerk shall enter final judgment for Plaintiffs as to all claims asserted against M Design in adidas's Second Amended Complaint, with Plaintiffs and M Design each bearing its own costs, including attorneys' fees.

IT IS SO ORDERED.

This 29 day of December, 2017.



Michael W. Mosman
Chief United States District Court
Judge for the District of Oregon